

64660 U.S. PTO



03/03/06

Docket No.:
62797/P001RE/10503650
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jean-Paul Castille

Reexam Control No.: 90/007,839

Patent No.: 5,734,961

Issue Date: March 31, 1998

Art Unit: 3992

For: METHOD AND APPARATUS FOR
TRANSMITTING INFORMATION
RECORDED ON INFORMATION
STORAGE MEANS FROM A CENTRAL
SERVER TO SUBSCRIBERS VIA A HIGH
DATA RATE DIGITAL
TELECOMMUNICATIONS NETWORK

Examiner: St. John Courtenay III

INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Patent Owner thanks the Examiner for his assistance in helping determine how to submit the documents in this IDS. Thus, pursuant to the particular rules and in conformance with the Examiner's instructions, the Patent Owner presents these documents in hard copy format.

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO/SB/08. It is respectfully requested that the information be expressly considered during the reexamination of this patent, and that the references be made of record therein and appear among the "References Cited" on any certificate to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first reexamination Office Action on the merits as far as is known to the undersigned and is filed

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before two months from the Order Granting Ex Parte Reexam (37 CFR 1.97(b)(3) and 37 CFR 1.555).

Copies of the references on the PTO/SB/08 are provided, except for U.S. patent documents (e.g., patent applications and issued patents).

The documents included herein were submitted by Nokia, Inc. (hereinafter, "Nokia"), a defendant in litigation with the Patent Owner. Nokia has indicated in the course of that litigation that said documents are relevant to issues of validity. The Patent Owner makes no assertion about the relevance of any of the art included herein, but submits said art in the interest of thoroughness.

Many of the dates associated with the documents submitted herein were provided by Apple Computer, Inc. (hereinafter, "Apple," a former defendant in litigation with the Patent Owner) and the Patent Owner has not verified said dates, nor does the Patent Owner assert or admit that any of the dates are correct.

To aid the Examiner in review of the documents, the Patent Owner includes Apple's Expert Report of the Honorable Gerald H. Mossinghoff from said litigation as Appendix A, Apple's Supplemental Response to Antor's Interrogatory No. 2, as Appendix B, the Patent Owner's Rebuttal Expert Report of Dr. Ray Mercer, as Appendix C, and Expert Declaration of Dr. Stephen B. Wicker Regarding Invalidity, Unenforceability, and Non-Infringement Alternatives of U.S. Patent No. 5,734,961, as Appendix D. Review of these appendices should help the Examiner to understand which of the documents Apple considered most relevant and the basis for Apple's belief that such documents were relevant to the validity of the present patent claims. Patent Owner further includes an Index as Appendix E for the Examiner's convenience.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

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It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Applicant believes no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 06-2380, under Order No. 62797/P001RE/10503650.

Dated: March 3, 2006

Respectfully submitted,

By Thomas L. Kelton

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PTO/SB/08A (10-01)

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U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Patent No./ Reexam No.	5,734,961 / 90/007,839
				Patent Date	December 7, 2005
				First Named Inventor	Jean-Paul Castille
				Art Unit	3992
				Examiner Name	St. John Courtenay III
Sheet	1	of	31	Attorney Docket Number	62797-P001RE-10503650

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Number-Kind Code ² (if known)				
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Examiner Signature		Date Considered	
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Examiner Signature		Date Considered	
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Sheet	3	of	31	Attorney Docket Number	62797-P001RE-10503650

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Examiner Signature		Date Considered	
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Sheet	4	of	31	Attorney Docket Number	62797-P001RE-10503650

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Examiner Signature		Date Considered	
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PTO/SB/08A (10-01)

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				Art Unit	3992
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